LAW OFFICES OF
FREEHILL HOGAN & MAHAR LLP
80 PINE STREET
NEW YORK, N.Y. 10005-1759
TELEPHONE (212) 425-1900
FACSIMILE (212) 425-1901
E-MAIL: reception@freehill.com
www.freehill.com

WILLIAM L. JUSKA, JR.
JAMES L. ROSS*
ERIC E. LENCK
JOHN J. WALSH*
PATRICK J. BONNER*
PETER J. GUTOWSKI
MARK F. MULLER
WAYNE D. MEEHAN*
DON P. MURNANE, JR.△
THOMAS M. RUSSO
THOMAS M. CANEVARI†
MICHAEL FERNANDEZ*
JOHN F. KARPOUSIS*△
MICHAEL E. UNGER*†
WILLIAM J. PALLAS*
GINA M. VENEZIA*△
LAWRENCE J. KAHN*
JUSTIN T. NASTRO*
MANUEL A. MOLINA
DANIEL J. FITZGERALD*†△
BARBARA G. CARNEVALE*
JAN P. GISHOLT†
SUSAN LEE*
EDWARD J. CARLSON
ERIC J. MATHESON*
MICHAEL D. TUCKER*

* ALSO ADMITTED IN NEW JERSEY
† ALSO ADMITTED IN CONNECTICUT
△ ALSO ADMITTED IN WASHINGTON, D.C.
° ALSO ADMITTED IN LOUISIANA

NEW JERSEY OFFICE
549 SUMMIT AVENUE
JERSEY CITY, N.J. 07306-2701
TELEPHONE (973) 623-5514
FACSIMILE (973) 623-3813

CONNECTICUT OFFICE
246 MARGHERITA LAWN
STRATFORD, CT 06615
TELEPHONE: (203) 921-1913
FACSIMILE (203) 358-8377

OF COUNSEL
GEORGE B. FREEHILL

RECEIVED
JUL 10 2013
CHAMBERS OF
HENRY PITMAN
U.S.M.J.

July 9, 2013

Our Ref: 134-12/MFM

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/15/13

BY HAND
Magistrate Judge Henry Pitman
Daniel P. Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

RE: Complaint of Plaintiffs, McALLISTER TOWING & TRANSPORTATION CO., INC., as Owner and McALLISTER TOWING OF NEW YORK, LLC, as Owner Pro Hac Vice of the Tug PATRICE McALLISTER for Exoneration From or Limitation of Liability
USDC - SDNY - 12 Civil 2505 (LAK)

Dear Judge Pitman:

We represent Plaintiffs in the above referenced matter and write this letter in what is probably an abundance of caution. Paragraph 1 of the Amended Scheduling Order dated May 2, 2013 (copy attached) provides that the Estate of Matthew Hoban had until June 10, 2013 to advise all other parties whether it would assert a claim directly against Ohio Machinery. Paragraph 2 of the Scheduling Order provides that if the Estate of Hoban did not elect to assert a direct claim against Ohio Machinery, then Plaintiffs would have until July 10, 2013 to make a motion pursuant to F.R.C.P. Rule 14(c).

By email dated June 10, 2013 (copy attached), the Estate of Hoban did in fact advise the parties of its intent to bring a direct claim against Ohio Machinery. However, no formal claim has yet been made, and we do not want to waive our right to make a motion pursuant to F.R.C.P. Rule 14(c) in the unlikely event that the Estate of Hoban opts not to assert its direct claim against Ohio Machinery by the appropriate deadline.[1] Consequently, we respectfully request that Plaintiffs' deadline to make a motion pursuant to F.R.C.P. Rule 14(c) be extended to August 15, 2013. If, by that time, the Hoban Estate has filed its direct claim, there will be no need to make the motion. If, on the other hand, the Hoban Estate does not make a direct claim by July 31, 2013, then Plaintiffs will have a two week "window" to make the motion.

Thank you for Your Honor's anticipated courtesy and cooperation.

Very truly yours,
FREEHILL HOGAN & MAHAR LLP

BY [signature]
Mark F. Muller
muller@freehill.com

Application Granted

SO ORDERED
[signature]
HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE
7-12-13

Copy with Enclosures Via Email to:

Carolyn M. Latti
Latti & Anderson, LLP
Attorneys for Claimant
JOHN A. HOBAN, as Administrator and Personal Representative of the Estate of Matthew A. Hoban
30-31 Union Wharf
Boston, MA 02109
DAnderson@lattianderson.com

Jacob Shisha, Esq.
Tabak, Mellusi & Shisha, LLP
Attorneys for Claimant
JOHN A. HOBAN, as Administrator and Personal Representative of the Estate of Matthew A. Hoban
29 Broadway, Suite 2311
New York, New York 10006-3212
jshisha@sealawyers.com

[1] We spoke with Hoban's counsel last week. They are under the impression that they have until July 31, 2013 to file the direct claim against Ohio Machinery.

Seth S. Holbrook, Esq.
Attorneys for Claimant
Ohio Machinery Company
d/b/a Ohio Cat
238-240 Lewis Wharf
Boston, MA 02110
SHolbrook@holbrookmurphy.com

Lyons & Flood, LLP
Edward P. Flood, Esq.
Attorneys for Claimant
Ohio Machinery Company
d/b/a Ohio Cat
65 West 36th Street, 7th Floor
New York, New York 10018
eflood@lyons-flood.com